

Agenda

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Planning Review Committee

Date: **Wednesday 26 June 2013**

Time: **7.00 pm**

Place: **The Long Room, Town Hall**

For any further information please contact:

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Email: sclaridge@oxford.gov.uk

Planning Review Committee

Membership

Chair

Vice-Chair

Councillor Alan Armitage	North;
Councillor Laurence Baxter	Quarry and Risinghurst;
Councillor Jean Fooks	Summertown;
Councillor Pat Kennedy	Lye Valley;
Councillor Shah Khan	Cowley;
Councillor Mark Lygo	Churchill;
Councillor Dee Sinclair	Quarry and Risinghurst;
Councillor Ed Turner	Rose Hill and Iffley;
Councillor Dick Wolff	St. Mary's;

The quorum for this Committee is 5 members.

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

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- Sent to you in hard copy form upon payment of an annual subscription.

AGENDA

Pages

- 1 ELECTION OF CHAIR FOR COUNCIL YEAR 2013/2014
- 2 ELECTION OF VICE CHAIR FOR COUNCIL YEAR 2013/2014
- 3 APOLOGIES FOR ABSENCE AND LATENESS
- 4 DECLARATIONS OF INTEREST
- 5 FORMER COWLEY COMMUNITY CENTRE, BARNS ROAD -
12/03278/FUL

1 - 40

The Head of City Development has attached a report which details a planning application to erect a 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage and associated landscaping works.

This application was called in from the East Area Planning Committee that met on 5 June 2013 by the following Councillors:

Cook, Fry, Turner, Sanders, Khan, Rowley, Kennedy, Curran, Canning, Sinclair, Tanner and Lygo.

Officer recommendation: That the Committee GRANT planning permission subject to conditions, but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples Materials
- 4 Archaeology – mitigation
- 5 Suspected contamination – Phased risk assessment
- 6 Variation of road traffic order - Car Club Spaces
- 7 Car and cycle parking to be laid out prior to use of building in accordance with details to be agreed in writing by the Council beforehand
- 8 Bin storage facilities
- 9 Wheelchair accessible spaces allocated and retained
- 10 No development to commence until signage erected on Knolles Road and in application site dissuading parking by residents and visitors
- 11 Real time passenger information points to be installed in all flats

- 12 Drainage details required
- 13 Balcony details required
- 14 Pedestrian Link required at all times between Barns Road and Knolles Road
- 15 Landscape plan required
- 16 Landscape to be carried out by completion
- 17 SuDS Compliant Hardsurfacing
- 18 Details of boundary treatment required
- 19 Details of layout of community centre required prior to commencement
- 20 Construction Traffic Management Plan required prior to commencement
- 21 Travel Plan required
- 22 Environmental Management Plan required prior to work commencing
- 23 Public Art - Scheme Details & timetable
- 24 Details of sound proofing of workshop
- 25 Vision Splays required
- 26 Compensatory landscaping along Barns Road to be agreed with Council and Highway Authority prior to commencement of development
- 27 Wheel Washing Facilities to be agreed to prevent mud on highway
- 28 To be undertaken in accordance with the Natural Resource Impact Analysis document
- 29 Furniture construction, repair, treatment, demolition to take place only within fully sound attenuated building
- 30 Personal permission for use of retail/workshop unit restricted to Emmaus only unless the Council agrees otherwise in writing
- 31 Details of cycle parking required prior to commencement of development
- 32 No development to take place until a replacement freestanding bus shelter on Barns Road has been erected to the County Council's standards and specifications
- 33 Prior to first occupation of the development the existing dropped kerbs allowing vehicular access to the site from Barns Road shall be reinstated to the County Council's standards and specifications
- 34 Deliveries and servicing management plan to be submitted and approved and implemented prior to first occupation

Legal Agreement

A total of £395,000 in Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education;
- £100,000 towards highway improvements, £37,500 of which will be safeguarded for a possible CPZ or other traffic enforcement measures in the Barns Road area, otherwise to be used for other highway infrastructure such as cycle safety;
- £45,000 towards a variety of Oxford City infrastructure (e.g. indoor and outdoor sports provision, libraries and environmental improvements).

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of

- this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
 - Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
 - Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
 - Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with the full costs met by the developer;
 - All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;
 - Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close;
 - Provision of off-street parking for servicing and delivery vehicles with prior arrangement at the rear car park of the adjoining Greensquare Cowley offices and at the Emmaus service yard.

6 MINUTES

41 - 46

Minutes from 28 September 2012

Recommendation: That the minutes of the meeting held on 28 September 2012 be APPROVED as a true and accurate record.

7 DATES AND START TIME OF FUTURE MEETINGS

The Council and Committee programme for the Council Years 2013/14 and 2014/15 was agreed by Council on 22 April. The following dates were agreed for this Committee:-

31st July 2013
28th August
25th September
30th October
27th November
23rd December
29th January 2014
26th February
26th March
30th April

The start time for this Committee has been assumed as 6pm. The Committee is asked to confirm that the start time of its meetings for the remainder of the Council Year 2013/14 will be 6pm

Recommendation That the Committee NOTE the meeting dates for the forthcoming year and AGREE to all future meetings beginning at 6pm.

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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Agenda Item 5

Planning Review Committee

26th June 2013

Application Number: 12/03278/FUL

Decision Due by: 1st May 2013

Proposal: Erection of 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage and associated landscaping works.

Site Address: Former Cowley Community Centre, Barns Road (Appendix 1 of Report to East Area Planning Committee)

Ward: Cowley Ward

Agent: AHMM

Applicant: Greensquare Group

Following consideration at the East Area Planning Committee on 5th June 2013, where it was resolved to refuse planning permission for the reasons stated in this report, the planning application has been called-in for consideration and decision to the Planning Review Committee by Councillor Cook supported by Councillors Fry, Turner, Sanders, Khan, Rowley, Kennedy, Curran, Canning, Sinclair, Tanner, Lygo, Seamons and Brown.

Recommendation:

Officers have reconsidered the application proposal in the light of the outcome of the East Area Planning Committee and for the reasons explained in this report, Committee is recommended to resolve to grant planning permission subject to conditions, but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.

For the following reasons:

- 1 The proposed development will have a form, scale and appearance that is appropriate to the site and its setting without resulting in unacceptable harm to nearby residential amenity whilst providing much needed good quality affordable and market housing in a sustainable location. The proposals are considered to provide a good quality community centre as replacement for the poor quality pre-existing facility as well as provide improved commercial

premises for the Emmaus charity, an important local organisation. As a result of the sustainable location, the nature of the likely occupiers of the flats, access to public transport as well as sufficient on-street controls the proposals are not considered to be likely to give rise to highway safety concerns or a significant increase in parking congestion in the immediate area. Consequently the proposals are considered to accord with the requirements of policies CP1, CP5, CP6, CP8, CP9, CP10, CP11, CP13, CP14, CP18, CP19, CP21, CP22, TR1, TR2, TR3, TR4, TR7, TR13, TR14, NE15, HE2, EC1, RC4 and RC10 of the Oxford Local Plan 2001-2016, policies CS2, CS9, CS11, CS13, CS17, CS18, CS19, CS20, CS21, CS23, CS24, CS27 and CS28 of the Oxford Core Strategy 2026 as well as policies MP1, HP2, HP3, HP9, HP11, HP12, HP13, HP14, HP15, HP16 and SP11 of the Sites and Housing Plan.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers' report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples Materials
- 4 Archaeology – mitigation
- 5 Suspected contamination – Phased risk assessment
- 6 Variation of road traffic order - Car Club Spaces
- 7 Car and cycle parking to be laid out prior to use of building in accordance with details to be agreed in writing by the Council beforehand
- 8 Bin storage facilities
- 9 Wheelchair accessible spaces allocated and retained
- 10 No development to commence until signage erected on Knolles Road and in application site dissuading parking by residents and visitors
- 11 Real time passenger information points to be installed in all flats
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A total of £395,000 in Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education;
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- £45,000 towards a variety of Oxford City infrastructure (e.g. indoor and outdoor sports provision, libraries and environmental improvements).

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
- Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
- Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
- Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with

- the full costs met by the developer;
- All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;
- Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close;
- Provision of off-street parking for servicing and delivery vehicles with prior arrangement at the rear car park of the adjoining Greensquare Cowley offices and at the Emmaus service yard.

Background

1. This planning application forms part of a larger scheme, which consists of a package of three applications on three sites. This seeks to deliver affordable housing within the City, as well as improved community centres and replacement premises for the Emmaus charity. The East Area Planning Committee (EAPC) at the 5th June meeting considered those applications and resolved to grant planning permission for the two applications in Northway and to refuse planning permission for the Barns Road application, for the reasons stated below, contrary to the officer recommendation. The three applications can only be delivered as a single overall package and are inherently linked, through the proposed relocation and provision of the Emmaus facility from Westlands Drive to the Barns Road site, while the 31% market housing component enables the delivery of the overall package of benefits comprising 108 lifetime homes, 69% affordable, two new community centres, replacement state-of-the-art Emmaus premises, biodiversity improvements, and sustainable developments of high quality design. This would deliver the whole range of the Council's objectives for the sites as envisaged by the City Executive Board (CEB).
2. At the East Area Planning Committee's meeting of 5th June 2013, Members resolved to refuse the application for the following reasons:
 - i) The proposals fail to provide sufficient social rented affordable housing on this site thereby failing to meet the objective of creating mixed and balanced communities and does not comply with policy HP3 of the Council's Sites and Housing Plan 2013;
 - ii) The proposal seeks to provide a car-free development in an area which is not subject to a Controlled Parking Zone (CPZ). Consequently the car-free nature of the scheme cannot be enforced. As a result the proposals are likely to lead to significant on-street parking to the detriment of highway safety and the parking conditions for existing local residents. Consequently the proposal is contrary to policy CP1 of the Oxford Local Plan 2001-2016 and HP16 of the Sites and Housing Plan 2013;
 - iii) The proposal fails to make sufficient and safe provision for access and circulation for delivery and servicing vehicles as well as pedestrian movement in and around the site to the detriment of highway safety, contrary to policy CP1 of the Oxford Local Plan 2001-2016;
 - iv) The excessive height and bulk of the building fails to reflect the smaller suburban scale of properties at the rear to the detriment of the character of

the area and the amenity of the neighbouring residents, contrary to policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016 and policy HP14 of the Sites and Housing Plan 2013;

- v) The proposed amount and intensity of development and competing uses is inappropriate on this restricted site, amounting to overdevelopment to the detriment of the amenity of existing residents and future occupiers, contrary to policies CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016.
3. The Barns Road application was then called-in by Members to the Planning Review Committee for the following reason: *“The application is compliant with the Local Development Framework and the reasons for refusal are unsound. The proposal if refused would result in the loss of 40 flats at the former Cowley Centre site Barns Road. Due to this site's integration with two other sites, (21 flats at the former Community Centre on Westlands Drive and 47 residential units at the Northway Centre at Maltfield Road, both approved), a failure to approve this application will also stop the Westlands Drive and Northway Centre developments coming forward. This will stall the delivery of 108 units of accommodation in this city 40% of which will be social rented affordable, 29% of which will be intermediate tenure, and only 31% will be market housing.”*

Updates

4. Further to the officers' report to the EAPC (see Appendix 1), and to clarify the issue, the following third party representations were received in relation to the first consultation exercise on the original application proposals:
- 25 individual third party objections to the original proposals raising concerns set out in the report to the EAPC;
 - 464 signed template letters objecting to the original proposals for reasons also set out in the report to the EAPC.

Following re-consultation on amended proposals between 22nd April and 7th May the following additional third party responses were received:

- 10 further individual third party objections;
 - 327 signatures on two identically worded petitions.
- All of the concerns raised in the objections were fully reported and addressed in the report to the EAPC.
5. A further late representation was also made to the County Council in its capacity as Local Highway Authority to which the City Council was copied in. This was reported verbally to EAPC and its contents can be summarised as follows:
- The Highway Authority position not to object to the application is incorrect and flawed;
 - Both Greensquare and the Highway Authority take it as a fait accompli that local residents would support a controlled parking zone – this is not necessarily the case and before such statements or assumptions can be made a survey of the local community should take place;
 - Residents should not be forced to put with up traffic congestion or pay for permits within a CPZ to solve a problem that was not of their own making and

- which should have instead been assessed properly at application stage;
- The agreement with Templars Square Shopping Centre to provide car parking spaces lacks details, terms and condition, indication of cost, duration and exit notice periods for any of the parties involved. Without this information its likely effectiveness cannot be reasonably assessed and should not, in any way, be relied upon;
 - The applicant has failed to provide evidence that the car-free status of this proposal can be enforced. They are simply relying on future implementation of a CPZ ignoring the fact that this aspect it not even considered in their own Transport Statement;
 - PCSO Jim Katouzian of Thames Valley Police made a site visit on 19th May and he expressed concerns about the competition for parking within the street and the impact on highway safety and neighbour relations. Parking concerns were also raised by Thames Valley Police when initially commenting on the proposal;
 - Repositioning the existing bus shelter has been proposed to be made a condition of the officer recommendation. However it would be more prudent to request confirmation that it can successfully be achieved before planning permission is considered particularly in light of Stagecoach's concerns about the proposals given that it is a very busy bus stop;
 - There is a significant error in the Transport Statement. Section 5.5 incorrectly refers to the three parking spaces in the Emmaus service yard being for staff. They are actually customer car parking spaces and therefore will generate far more traffic movements than that assessed. Rather than two vehicle movements per day per space it is likely to be more akin to two, four or even more per hour which would equate to as many as 96 traffic movements per day;
 - To compound this Emmaus make it clear that the move to Barns Road is needed to make the charity self-sufficient. To achieve their objective Emmaus need to produce a thriving shop in this prominent location supported by a busy production unit with a continuous throughput of goods, most which will arrive by car and van;
 - The proposal breaches section A3.47 of the Sites and Housing Plan by failing to provide parking for service vehicles. If this situation is allowed to go unchecked then service, delivery or removal vehicles will either have to run the risk of parking illegally and possibly dangerously in Barns Road or try to squeeze into Knolles Road. Neither are acceptable solutions. In addition it is unclear how waste bins will be emptied in terms of their route to the refuse lorry which will need to reverse the length of the already crowded Knolles Road.
6. Officers advised EAPC that the Local Highway Authority responded to the above representation by stating that those points material to the planning application had already been taken into account in their assessment of the proposals and had been addressed in their consultation response. The Local Highway Authority reiterated that it raised 'no-objection' to the proposals and maintained their already expressed view.
7. In addition, and following questions raised at the EAPC, officers consider it appropriate to take this opportunity to clarify the capacity of the replacement

community centre proposed. Based on the present proposed layout the community centre would be capable of accommodating approximately 75-80 people seated at any one time with 55 in the combined meeting rooms 1 and 2 which would represent the largest space. Officers would however point out that a condition is recommended that would require final details of the internal layout of the community centre to be agreed by the Council prior to commencement of the development.

Officers' Assessment

8. In addition to the report to the EAPC, officers have considered the concerns raised by Members of the EAPC when resolving to refuse planning permission. Officers consider it useful to take this opportunity to clarify and add to a number of issues raised by the EAPC to assist Members of the Planning Review Committee in coming to a decision on the application.

Mix of Affordable Housing

9. The development plan policy requires a minimum of 50% affordable housing on sites delivering 10 or more dwellings. In the case of this scheme overall, it is trying to deliver 69%, a very significant proportion that would help towards meeting the City's substantial affordable housing need. It is also delivering replacement and improved community facilities, as well as a new and improved base for Emmaus, an important local social enterprise, providing full time work and skills for 28 homeless people all of whom are currently housed locally within walking distance from the site. The mix and distribution of affordable housing is proposed to be spread across the three sites (including the two applications at Northway) with 50% of the units at the Barns Road site proposed to be shared ownership affordable homes. When considering the Barns Road site individually the tenure mix does not comply with the policy, but taken across the three sites as a whole the figures satisfy and exceed the policy requirements. Officers consider that the 50% shared ownership and 50% market split of the proposed 40 flats at the Barns Road site is appropriate in this case in view of the particular morphology of the site, together with the objective of providing a successful mixed use development in this district centre location. In turn this apportionment ensures that the overall scheme is financially viable as required by the policy and it secures its delivery along with the wide range of community and other benefits provided across these three Council owned sites at no cost to the Council. It remains officers' view therefore that the tenure mix at the Barns Road site is entirely appropriate both in planning policy terms and in the context of the benefits of the development as a whole.

Parking and Impact on the Local Highway Network

10. As set out in the report to the EAPC, the site is considered to be sustainably located within a designated district centre with excellent access to public transport, amenities, local shops and facilities and links the city centre. In addition the local area is subject to on-street parking controls, while the development is making provision for strengthening those at the suggestion of and to the satisfaction of the Local Highway Authority. Officers therefore consider it to be suitable as a car-free development and indeed support this

approach where a robust case is made that resultant on-street parking would be prevented or at least substantially reduced to the extent that it would not cause traffic or highway safety concerns in the local area.

11. In this case, officers consider that a number of measures have been put forward that can be secured by condition or legal agreement, which would significantly reduce any likelihood of indiscriminate car parking from future residents and their visitors on surrounding roads. Notwithstanding this, the applicant has agreed to make financial contributions to the Highway Authority to fund a number of local parking surveys, as well as changes to the road traffic order in the Barns Road area. This would allow the Highway Authority to understand the on-street parking implications of the development and, if significant (which officers consider unlikely), consider extending existing and introducing further parking controls in consultation with the local community. These potential parking controls would be funded by the developer through a contribution of £37,500 made to the Highway Authority which it would safeguard for such purposes in the event that it is necessary. Planning Officers, as well as Highway Officers are therefore satisfied that the proposals would not lead to a significant increase in on-street parking within the locality.
12. Concern was raised at EAPC about the impact of service and delivery vehicles on the surrounding roads, in particular the residential roads of Knolles Road, Boswell Road and Bailey Road to the rear. Servicing and deliveries to the Emmaus facility would take place from Barns Road through the existing access from Barns Road past the Wolseley House garages. The proposed flats and community centre would not be served by any permanently designated servicing spaces on the site. However the applicants have indicated that, they would be able to make arrangements for off-street parking facilities for short-term parking of servicing and delivery vehicles within the parking area at the rear of the adjoining Greensquare offices as well as the Emmaus service yard on the site. Furthermore it would be possible for individual vehicles to pull into the site from Knolles Road for short periods.
13. To elaborate further there are four existing parking spaces at the Greensquare offices adjacent to the site. It is now proposed that two of these spaces be permanently designated for the purposes of servicing the flats and the community centre proposed. It is also proposed that deliveries and removals to the flats as well as the community centre be achieved using the Emmaus service yard outside their operating hours and by prior arrangement. Emmaus have indicated their support for such a proposal. Officers recommend the imposition of a new condition which would require the approval and implementation of a delivery and servicing management plan to be submitted to and agreed in writing by the Council prior to first occupation of the development as well as additional provision in the section 106 agreement.
14. The Highway Authority are also investigating the possibility of creating designated on-street delivery bay/s along Barns Road as part of the proposed change to the road traffic order (TRO), which should cater for the majority of the day to day needs of the residents. The Highways Officer attending the Planning Review Committee meeting will verbally update Members on this

issue as to its practicability which is unclear at the time of writing this report. Refuse delivery would be expected to take place from Knolles Road in the same way that all of the existing properties are served which is, to officers' minds, entirely consistent with the arrangements expected of a city location such as this. The Highway Authority has raised no concerns about this arrangement.

15. The Highway Authority similarly raise no concern about the replacement freestanding bus shelter and its ability to be incorporated within the existing footway and allow sufficient space for pedestrians and all other users of the pavement. A legal agreement would ensure that the developer would make arrangements for the construction of the replacement bus shelter in full accordance with details to be agreed by the Highway Authority prior to commencement of the development.

Visual Impact of the Development

16. The height of the main range of the building proposed is 13m though, including the parapet at the front, it rises to 14.1m. At the point of the lift shaft/central core, it increases to 17m though this is set back from both the front and rear elevations and which allows full disabled access to the proposed roof garden. This element will only be afforded limited glimpses and will, in officers' view, have no appreciable impact on the presence, scale and appearance of the building within the street, as viewed both from the front and the rear. Whilst the building is four storeys in height, its actual height is limited by the fact that it has a flat roof form so as to provide a roof garden. This means that it would not be dissimilar in height to the adjacent Wolseley House flats to the south (11.5m high), although as it provides a community centre and shop/workshop at ground floor level (which requires greater ceiling height), it will be a couple of metres higher. However, given the site's location on a prominent bend along this thoroughfare within the district centre, officers consider its height and overall presence to be entirely appropriate to its location and setting. Indeed the building, rightly and appropriately, addresses the urban character, grain and fabric of the Barnes Road frontage. At the same time it has been sensitively designed at the rear through appropriate setbacks and planting at third and rooftop levels, as well as careful window and balcony detailing to respond to but not emulate the more suburban domestic character of the Knolles Road properties. Officers consider the development to, overall, provide a good quality building which adds interest to an otherwise rather bland streetscape. In this respect officers continue to have no concerns about its visual impact on either Barnes Road or the residential area to the rear.

Density of Development and Associated Uses

17. The application site is considered to be sustainably located, where it is important that development makes an efficient use of land both to provide good quality affordable housing as well as community facilities. These uses are considered to be entirely commensurate with each other and officers do not consider it an unusual arrangement for there to be a number of floors of flats above retail units or other commercial/community premises. The proposed Emmaus facility would be self-contained and should not cause any

disturbance to surrounding properties or the proposed flats above, as demonstrated by their operation in Northway.

18. As set out above and in the appended report to the EAPC, the impacts of the use of the development on neighbouring residential amenity as well as the surrounding highway network are considered to be entirely acceptable by officers subject to the conditions and legal agreement clauses set out at the beginning of this report.

Conclusion

19. In reporting to the East Area Planning Committee officers supported the proposals on balance and welcomed the much needed affordable housing and community facilities that they would deliver. Officers continue to recommend that the application be approved subject to the conditions and legal agreement requirements set out at the beginning of this report which should ensure the overall package across the three sites remains viable and deliverable in the interests of the City, given the wide range of community benefits that it would provide.

Human Rights Act 1998

20. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.
21. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

22. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

59/07771/A_H

60/08871/A_H

66/17367/A_H
72/26399/A_H
74/01056/A_H
91/01185/NF
11/01298/ADV
12/03278/FUL

Contact Officer: Matthew Parry
Extension: 2160
Date: 17th June 2013

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Application Number: 12/03278/FUL

Decision Due by: 1st May 2013

Proposal: Erection of 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage and associated landscaping works.

Site Address: Former Cowley Community Centre, Barns Road (Appendix 1)

Ward: Cowley Ward

Agent: AHMM

Applicant: Green Square Group

Recommendation:

Committee is recommended to resolve to grant planning permission subject to conditions but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.

For the following reasons:

- 1 The proposed development will have a form, scale and appearance that is appropriate to the site and its setting without resulting in unacceptable harm to nearby residential amenity whilst providing much needed good quality affordable and market housing in a sustainable location. The proposals are considered to provide a good quality community centre as replacement for the poor quality pre-existing facility as well as provide improved commercial premises for the Emmaus charity, an important local organisation. As a result of the sustainable location, the nature of the likely occupiers of the flats, access to public transport as well as sufficient on-street controls the proposals are not considered to be likely to give rise to highway safety concerns or a significant increase in parking congestion in the immediate area. Consequently the proposals are considered to accord with the

requirements of policies CP1, CP5, CP6, CP8, CP9, CP10, CP11, CP13, CP14, CP18, CP19, CP21, CP22, TR1, TR2, TR3, TR4, TR7, TR13, TR14, NE15, HE2, EC1, RC4 and RC10 of the Oxford Local Plan 2001-2016, policies CS2, CS9, CS11, CS13, CS17, CS18, CS19, CS20, CS21, CS23, CS24, CS27 and CS28 of the Oxford Core Strategy 2026 as well as policies MP1, HP2, HP3, HP9, HP11, HP12, HP13, HP14, HP15, HP16 and SP11 of the Sites and Housing Plan.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers' report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples Materials
- 4 Archaeology – mitigation
- 5 Suspected contamination – Phased risk assessment
- 6 Variation of road traffic order - Car Club Spaces
- 7 Car and cycle parking to be laid out prior to use of building in accordance with details to be agreed in writing by the Council beforehand
- 8 Bin storage facilities
- 9 Wheelchair accessible spaces allocated and retained
- 10 No development to commence until signage erected on Knolles Road and in application site dissuading parking by residents and visitors
- 11 Real time pedestrian information points to be installed in all flats
- 12 Drainage details required

- 13 Balcony details required
- 14 Pedestrian Link required at all times between Barns Road and Knolles Road
- 15 Landscape plan required
- 16 Landscape carry out by completion
- 17 SuDS Compliant Hardsurfacing
- 18 Details of boundary treatment required
- 19 Details of layout of community centre required prior to commencement
- 20 Construction Traffic Management Plan required prior to commencement
- 21 Travel Plan required
- 22 Environmental Management Plan required prior to work commencing
- 23 Public Art - Scheme Details & timetable
- 24 Details of sound proofing of workshop
- 25 Vision Splays required
- 26 Compensatory landscaping along Barns Road to be agreed with Council and Highway Authority prior to commencement of development
- 27 Wheel Washing Facilities to be agreed to prevent mud on highway
- 28 To be undertaken in accordance with the Natural Resource Impact Analysis document
- 29 Furniture construction, repair, treatment, demolition to take place only within sound attenuated building
- 30 Personal permission for use of retail/workshop restricted to Emmaus only
- 31 Details of cycle parking required prior to commencement of development
- 32 No development to take place until a replacement freestanding bus shelter on Barns Road has been erected to the County Council's standards and specifications
- 33 Prior to first occupation of the development the existing dropped kerbs allowing vehicular access to the site from Barns Road shall be reinstated to the County Council's standards and specifications

Legal Agreement

A total of £395,000 in Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education;
- £100,000 towards highway improvements, £37,500 of which will be safeguarded for a possible CPZ or other traffic enforcement measures in the Barns Road area, otherwise to be used for other highway infrastructure such as cycle safety;
- £45,000 towards a variety of Oxford City infrastructure (e.g. indoor and outdoor sports provision, libraries and environmental improvements).

This level of contribution does not fully comply with the requirements detailed in the Council's Planning Obligations SPD but has regard to the high provision of affordable housing [69%] of which 64% would be social rented accommodation and 36% shared ownership.

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
- Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
- Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
- Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with the full costs met by the developer;
- All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;
- Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close.

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP5 - Mixed-Use Developments

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

- CP13 - Accessibility
- CP14 - Public Art
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP21 - Noise
- CP22 - Contaminated Land

Core Strategy

- CS2_ - Previously developed and greenfield land
- CS9_ - Energy and natural resources
- CS11_ - Flooding
- CS13_ - Supporting access to new development
- CS14_ - Supporting city-wide movement
- CS17_ - Infrastructure and developer contributions
- CS18_ - Urban design, town character, historic environment
- CS19_ - Community safety
- CS20_ - Cultural and community development
- CS21_ - Green spaces, leisure and sport
- CS23_ - Mix of housing
- CS24_ - Affordable housing
- CS27_ - Sustainable economy
- CS28_ - Employment sites

Sites and Housing Plan

- MP1 - Model Policy
- HP2_ - Accessible and Adaptable Homes
- HP3_ - Affordable Homes from Large Housing Sites
- HP9_ - Design, Character and Context
- HP11_ - Low Carbon Homes
- HP12_ - Indoor Space
- HP13_ - Outdoor Space
- HP14_ - Privacy and Daylight
- HP15_ - Residential cycle parking
- HP16_ - Residential car parking
- SP11_ - Cowley Community Centre, Barns Road

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Parking Standards, Transport Assessments and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Affordable Housing SPD
- Planning Obligations SPD

Site History:

59/07771/A_H - Outline application for Cowley Community Centre - Permitted 10th February 1959.

60/08871/A_H - Community Centre - Permitted 26th January 1960.

66/17367/A_H - Additional use of foyer, dining area, and toilets on ground floor for children's play group (maximum 30) - Permitted 22nd March 1966.

72/26399/A_H - Extension to form store and entrance lobby - Permitted 12th September 1972.

74/01056/A_H - Extension to existing foyer and alterations - Permitted 28th November 1974.

91/01185/NF - Single storey extension – Permitted 31st January 1992.

11/01298/ADV - Display of non-illuminated painted advertisement hoardings (retrospective) - Permitted 12th July 2011.

Representations Received:

The proposals as submitted were subject to significant pre-application consultation with local residents where the scheme was amended across a variety of iterations to reflect concerns of local residents. Following submission of the application consultation was carried out by the Council and the applicants attended a public meeting at a local community centre to help present the proposals.

489 third party objections were then received in relation to the original proposals of which 464 were signed pro formas distributed by the local residents' association to houses in the surrounding area. The concerns raised by the objectors can be summarised as follows:

- The proposed building would dominate the streetscene as a result of its significant height and extreme mass which will only be exacerbated by the lack of meaningful street landscaping. A previous application for
- The proposed building would dominate the site and is far larger than the previous community centre;
- 16 of the flats have a single aspect eastwards so would enjoy little sunlight and provide poor living conditions for future occupiers;
- The significant height, rear facing balconies and close proximity of the building to the rear gardens of residential properties in Knolles Road will be detrimental to the privacy and pleasant outlook that these gardens currently enjoy;
- The sun path analysis undertaken is inadequate and it is clear that the rear gardens of Knolles Road properties will suffer from significant overshadowing in the afternoon and evening further exacerbating the overbearing impact of the building;
- The proposed community centre is not an adequate replacement for the previous centre both in terms of its size but also in its layout which prevents

larger social functions and will primarily provide several office sized meeting rooms;

- The retail/light industrial unit is inappropriate given the residential area to the rear of the site and will result in dust, fumes and general traffic disturbance at various times of the day including at weekends;
- The proposed community centre and 40 flats would be served by just three disabled parking spaces. The surrounding roads are already congested and, with no off-street parking provision, residents and their visitors will simply park in Knolles Road, Bailey Road or Boswell Road or further afield worsening existing parking pressure. Various elements of the Travel Plan and Transport Assessment are vague and include measures that are not enforceable;
- Discussions and an informal agreement with owners of the nearby car park is not sufficient as it provides no security that such a formal arrangement will be reached prior to occupation of the flats. A car park that closes at 7pm means that residents cannot physically access their cars for a significant proportion of the day/night which would deter them from using it;
- Marketing the flats as car-free places no obligation whatsoever on future residents not bringing cars;
- The north end of the proposed building would delete an area currently occupied by the shelter and seats for a very busy bus stop which is set back from the pavement to the benefit of waiting passengers and passing pedestrians alike. The proposed building would force passengers to wait on the pavement of Barns Road competing for space with pedestrians trying to pass the bus stop. This would obstruct the pavement and make waiting for a bus uncomfortable.
- The existing school and local facilities are overburdened and cannot take additional capacity from the new flats proposed.

Revised proposals were submitted to the Council in an attempt to, primarily, elaborate on and amend the proposed car parking strategy as well as extend the proposed community centre at the expense of part of the floor area of one of the two ground floor flats. Public consultation on these amended proposals began on 22nd April 2013 running for a period up until the 7th May 2013. Nine additional individual third party objections were received along with two petitions consisting of 77 and 250 signatures respectively. The concerns raised by the representations in response to the amended proposals are summarised as follows:

- The community centre proposed is far too small in comparison to the previous community centre and merely consists of a number of meeting rooms – “it is actually smaller in size than a tennis court!”. There is no space for weddings, birthday parties or larger community events;
- The community centre will be smaller than that in any other comparable area of Oxford and would be one-ninth the size of that proposed in Rose Hill – it would be unfit for purpose;
- The community centre proposed would be about 15% of the size of the previous one which the Council saw fit to demolish without securing an appropriate replacement;
- The parking issues have not been resolved at all. It is likely that each flat would generate at least one car and sometimes two for its residents and these cars would have to park along Knolles Road, Boswell Road and Bailey

- Road exacerbating existing parking problems;
- The Templars Square Car Park on the opposite side of Barns Road is not a realistic alternative as no residents of the flats will pay to park when they can park for free along Knolles/Boswell and Bailey Roads. In addition the car park is closed in the evenings and part of the weekends so it is not a viable alternative;
 - Relocating the bus shelter will significantly reduce the space available for pedestrians, prams/pushchairs and wheelchairs;
 - Mixing customer parking, delivery vans for Emmaus, car club vehicles as well as access to the Wolseley House Garages and Riley House flats represents an unacceptable risk for users and pedestrians;
 - Refuse collection from the flats will require occupiers to move their bins manually down to the end of Knolles Road to meet the refuse vehicles which need to reverse along this length of overcrowded road;
 - There is no provision for service, delivery or removal vehicles to attend the flats and there is nowhere for such vehicles to park;
 - Increasing the height of the balcony fins will have no effect on overlooking or the perception of significant loss of privacy;
 - The proposals make no change to the building which is still too large and overbearing to the residential properties behind it;
 - The area is unsuitable for a light industrial use which will cause disruption and nuisance to occupiers of surrounding dwellings;
 - The three car parking spaces in the Emmaus service yard are for customer use. The Transport Statement / Travel Plan (TS/TP) incorrectly considered these spaces as for staff use and assessed vehicle movements on that basis i.e. six per day. The reality is therefore that the spaces are likely to change hands much more frequently. The mix of customers (both in and out of cars) and reversing Luton vans in a cramped service yard is “a recipe for disaster”;
 - The total height of the building to the top of the plant room has been increased, making it in excess of 20% taller than the adjacent flats. The height and proximity of the proposed building will still result in a lack of privacy, potential noise disturbance, and loss of enjoyment of sunlight for existing residents in Knolles Road and Barns Road. This would be contrary to the Human Rights Act as residents will not be able to enjoy the peace and quiet of their homes as they do at present.

A further objection has been received from Stagecoach Oxfordshire which states that the loss of the existing bus shelter which serves a busy route is not shown to be adequately replaced as insufficient space would be left on the pavement leading to conflict between the various highway users to the detriment of the bus service.

A letter of support has been received from Emmaus citing the following points:

- The present premises in Northway is too far out of the city centre and not large enough for the charity to be entirely self-sufficient – the new larger premises should enable this as well as be close to where ex-homeless people are house on Oxford Road enabling staff to travel more easily to work;
- Our existing store in Northway has been much appreciated by the local neighbourhood who enjoy the facilities there and we have never had any

complaints about the store's location in that area. We hope that the facility in Barns Road will also find similar appreciation;

- Whatever happens the existing premises in Northway will have to be pulled down (it is collapsing) and if we lose the existing store without a new one the charity won't be able to pay its bills which would mean that it would eventually have to close - depriving the Oxfordshire area of 28 beds for the homeless as well as 28 jobs for them.

Statutory and Other Consultees:

Environment Agency – No objection as the proposal represents low environmental risk and is not at particular risk of flooding or exacerbating flood risk elsewhere. No additional comments raised on amended proposals.

Thames Valley Police – No objection though a number of improvements could be made including ensuring secure boundary treatment along the northern boundary, enclosed and secure bin and cycle storage as well as incorporating secure entrance into the building, secure post arrangements as well as utility meters. Concern is raised about the lack of residents' and visitors' designated parking which could create conflict with existing residents. No additional comments raised on amended proposals.

Thames Water – No objection. No additional comment on amended proposals.

Environmental Development – A phased contamination risk assessment is required to be carried out prior to commencement of the development to remediate any contaminants on site and provide proof of this to the Council. No additional comments on amended proposals.

County Drainage Officer – A condition should be imposed requiring details of Sustainable Drainage techniques to be incorporated into the development to prevent surface water run-off and reduce risk of localised flooding. No additional comments on amended proposals.

City Council Developer Funding Team – Prior to the commencement of the development the financial contributions set out at the beginning of this report should be paid to Oxford City Council to offset the impact of the development on local infrastructure. This should be secured through a legal agreement completed prior to issuing of planning permission. No additional comments on amended proposals.

County Council Environment & Economy – The financial contributions set out at the beginning of this report are required to be paid via a legal agreement to ensure the proposals offset harm to local infrastructure provided by the County Council. No additional comments on amended proposals.

Highway Authority (Oxfordshire County Council) – The Highway Authority initially had concerns about the proposals and objected to the development due to the likely increase in on-street parking given that on-street parking in the area cannot currently be adequately controlled. In response to the amended proposals however the Highway Authority has withdrawn its objection and considers the scheme to be

acceptable for the following reasons and subject to the following safeguards:

- Small flats in city or district centres of Oxford generally result in little car parking per unit;
- The site is located close to good bus service links and everyday amenities such that there are good alternatives available to the private car;
- Car club spaces are provided and free membership will be provided for one year at least to ensure the use of such a facility is encouraged;
- Disabled access is catered for in accordance with the County and City Council's parking standards with good level access between the spaces and the wheelchair accessible flats;
- The flats will be marketed as car-free and, whilst this would only apply to first time sales of private units, affordable units can be marketed as such thereafter by Greensquare. Providing information to all occupiers of new flats through the Travel Plan should help to alleviate this.
- There is an in-principle agreement with the owners of the neighbouring Templars Square Shopping Centre car park to allow future residents to park in public car parks. Whilst this overlooks the likely reluctance of occupiers' of the flats to use this facility after dark and that such arrangements can be terminated, as part of a package of measures it can be acceptable provision so long as not relied upon on a more permanent basis;
- Very generous cycle parking provision is provided to encourage alternative sustainable travel and an alternative to the private car – though specific details of this cycle parking provision should be submitted for approval by condition;
- Details of any proposed scheme for planting (trees/planters etc.) on or near the highway boundary would need to be agreed by the Local Highway Authority (LHA) before works began. This would need to be secured by imposition of an appropriately worded condition;
- The proposed customer and staff parking and access arrangements for Emmaus are shown to be acceptable in the amended plans
- Ordinarily Oxford City Council's Oxford Supplementary Planning Document would require the following payments of: 18 x 1 bed units @ £1,600 unit and 22 x 2 bed units @ £2,450 unit towards cycle safety measures making a total sum of £82,700 however this is to be discounted in light of other community/social development/provisions including the highway contributions offered.
- The road traffic order governing Barns Road will need to be amended to allow the introduction of car club spaces and funding will need to cover the costs of this process. A condition as appropriate is recommended ensuring that the new flats could not be occupied until such car club spaces are in place;
- The applicant shall arrange the repositioning of the existing bus shelter and real time information installation so as not to obstruct the entrances to the proposal, or the footway. This may require alteration to the highway. Drawings must be submitted and agreed with the Highway Authority prior to implementation of the permission. The works must be undertaken prior to occupation. To carry out the works the applicant will need to enter into a s278 agreement under the Highways Act with the County Council as Highway Authority.

- The applicant will revert the current dropped kerb/ vehicular access on Barns Road to the north of the site back to the standard footway in accordance with the County Council's standards and specifications;
- A full Travel Plan to be produced and submitted for consideration and approval by the LHA prior to occupation of the development. This is required to minimise the number of car trips at the site and should include a 6 month period of free bus passes for all occupiers of the flats;
- A Construction Traffic Management Plan (CTMP) should be submitted to be approved by the LHA prior to any demolition and construction works being carried out at the site. This is required to minimise the impact of construction, for highway safety.

Despite the car-free strategy set out by the developer, the proposal may still have the potential to materially increase on-street parking and congestion within immediately roads at the expense of highway safety. In order to ensure this does not occur the following safeguards are required:

- Funding of £37,500 to the Highway Authority should be secured through a legal agreement to cover the potential cost of the introduction of a future Controlled Parking Zone (CPZ) or other appropriate parking enforcement measure if required to control any significant increase in indiscriminate parking on nearby residential roads as a result of the development. It should be noted that no CPZ would be introduced without full consultation with local residents in line with the County Council's standard practice;
- Interim parking restriction measures on Barns Road in the immediate vicinity of the site will require studies and amendments to the existing Traffic Regulation Orders (TRO) prior to occupation of the development For this the developer must pay a contribution of £3000 to fund the costs of the County Council in this respect. This funding should be secured through a legal agreement completed prior to issuing of planning permission.
- It will be necessary for the Highway Authority to use objective and quantitative measures to ascertain whether on-street parking has increased in surrounding roads during the months after the development has been occupied. This will require a number of surveys to be undertaken and the results used to inform whether parking enforcement measures are required. The developer should pay £3600 for parking studies to be undertaken by the Local Highway Authority. Payment should be secured through a legal agreement with sufficient time for the first survey to be undertaken prior to the application of the interim TRO on Barns Road. The surveys will be 1. Prior to introduction of interim TROs, 2. Prior to first occupation of the development, and 3. Directly after last occupation. The legal agreement should ensure that first occupation of the flats proposed shall not occur until after the first and second surveys have been undertaken.

Officers' Assessment:

Site Description and Locality

1. The application site consists of an unoccupied plot at the northern end of Barns Road near to its junction with Between Towns Road and opposite the Templars Square Shopping Centre. A location plan is appended to this report. The site was, until recently, home to the Cowley Community Centre though it has in the past

couple of years been cleared so that it now features just a handful of trees along its western boundary with Barns Road.

2. The site is in a prominent location on Barns Road where it curves as it runs north towards Between Towns Road. The site currently benefits from two existing vehicle entry points, one from Barns Road through Wolseley House Gardens and the other from Knolles Road at the rear. The northern end of Barns Road features mainly three storey buildings including the eastern entrance to the Templars Square Shopping Centre as well as a small parade of shop. To the north of the site lies the main office of Greensquare Housing Association (the applicant), to the east the semi-detached houses of Knolles Road and Boswell Road and to the south a row of garages connected to four storey residential buildings.

Description of Proposed Development

3. The application seeks permission for the erection of a four storey building incorporating a roof terrace garden that features a community centre and a retail/workshop facility on the ground floor along with two wheelchair accessible one bedroom flats. 38 x one and two bedroom flats are proposed on the three upper floors. The proposals also include landscaping to the rear of the building along with the provision of three wheelchair accessible parking spaces to serve both the community centre and flats as well as dedicated bin and cycle storage facilities. Two car club spaces are proposed on the adopted highway adjacent to Wolseley House Garages and it is through here that staff and customers would gain access to the proposed Emmaus facility where three van/lorry spaces are proposed as well as three customer parking/pick-up car parking spaces.

Background to the Proposal

4. The application forms part of a wider scheme incorporating three City Council owned sites and involves two other applications for development at Northway. The scheme is primarily intended to deliver a significant number of affordable dwellings in the City along with much needed and improved community facilities as part of the Council's wider objectives to improve the City's housing stock and provide an improved environment for the residents of the City. A proportion of market housing is proposed within the scheme with the majority proposed on the Barns Road site (50%) to ensure the development remains financially viable. It should be recognised by Members that this application forms part of a package of three applications that have been designed as part of one scheme and it is on this basis that a number of planning issues should be considered.

5. Officers consider the principal determining issues in this case to be:

- Principle of Development;
- Affordable Housing;
- Mix of Dwellings;
- Planning Obligations;
- Design and Appearance;
- Amenity
- Impact on Neighbouring Properties;
- Community Facilities;
- Highway Implications/Parking;

- Trees/Landscaping;
- Energy Efficiency/Sustainability;
- Land Contamination;
- Archaeology; and
- Flood Risk.

Principle of Development

6. The site formerly comprised the Cowley Community Centre as well as associated hardstanding areas such that it represents previously developed land as defined in Government guidance. The principle of development on previously development land in sustainable locations is considered acceptable and is indeed supported by policies CS2 of the Core Strategy and policy CP6 of the Local Plan which seek greater efficiency of use of land provided it is appropriate to its context.

7. In addition the site is allocated through policy SP11 of the Sites and Housing Plan (SHP) for a replacement community facility and residential development. The policy also makes it clear that a retail use on the ground floor would also be acceptable and stresses the importance of high quality design given the prominent nature of the site. Consequently the mixed use development proposed for the site fully complies with the uses for which it is allocated.

Affordable Housing

8. The application proposals are part of a larger scheme covering three sites that are all being considered at the 5th June 2013 East Area Planning Committee. The scheme seeks to provide a significant number of affordable homes (74) on City Council owned land as well as replacement community facilities. It is on the basis of the overall scheme that officers consider the proposals should be assessed in this regard. Policy HP3 of the Sites and Housing Plan (SHP) requires proposals for residential development of 10 dwellings or greater to provide a minimum of 50% of the dwellings as affordable units on the same site. In this case the scheme as a whole provides 69% of the dwellings as affordable units with the Barns Road development in particular providing 50%. The remainder of the units will be available as market housing.

9. Therefore this application when assessed individually and the scheme as a whole comfortably meets the Council's development plan policies in this respect and as such they will collectively make a significant contribution to meeting the high demand for affordable housing as well as market housing with the City.

10. Policy HP3 of the SHP typically requires 80% of the affordable housing on a site to be social rented in tenure with the remainder being intermediate housing (including shared ownership). For a scheme providing 50% affordable housing (as required by policy HP3) this would translate to 40% of the overall dwellings proposed being social rented units and 10% intermediate housing. The application proposals meet this requirement with 40% of the dwellings being social rented affordable units and 29% intermediate in tenure. The remaining 31% is proposed to be market housing. Consequently officers are satisfied that the proposals accord with the affordable housing policies set out within the Council's development plan.

Mix of Dwellings

11. The application site is of an unusual and elongated shape making it unsuitable to provide any meaningful number of family sized houses and therefore make a significant contribution towards meeting housing need within the City. In addition, with the requirement to deliver a community centre and an Emmaus workshop on the ground floor it was considered to be only reasonable to expect one and two bedroom flats on the upper floor flats so as to be able to continue to provide a significant number of new dwellings as part of efforts to meet the City's affordable housing need. Officers therefore considered it inappropriate to directly apply the requirements of policy CS23 of the Core Strategy or the associated requirements of the Balance of Dwellings SPD (BoDs SPD) to the application proposals. Such an approach was agreed as reasonable during extensive negotiations between officers and the applicant at pre-application stage. As a consequence the mix of 19 x 1 bedroom flats and 21 x 2 bedroom flats is considered to be appropriate given the site circumstances and the significant number of good quality sustainably located affordable dwellings that it will provide.

Planning Obligations

12. As a result of the occupation of the proposed dwellings proposed across the three sites there will be a consequent impact on local public services. Policy CS17 of the Core Strategy states that developer contributions will be sought where needs arise as a result of new development. The Council's Planning Obligations SPD sets out the financial contributions required for a development of the size and type proposed. In this case it was considered to be more appropriate for the developer to make a contribution based on the scheme as a whole (all three sites) rather than individually. Between the County and City Councils the developer has agreed to make contributions of £395k towards, primarily, primary and secondary education, highway improvements as well as sports facilities and libraries. Such a contribution will need to be secured by legal agreements prior to the issuing of any planning permission. Whilst the figure of £395k is lower than required by a strict interpretation of the Council's Planning Obligations SPD it should be recognised that the scheme provides 69% affordable housing and it would not be financially viable for the developer to provide a greater financial contribution and continue to include such a high proportion of affordable housing. In light of this, officers consider the impact of the proposals to be adequately mitigated by the financial contributions offered and find the proposals acceptable in this regard.

Design and Appearance

13. The site is highly prominent along the busy Barns Road as it curves around at its western end towards Between Towns Road. It is particularly important therefore that the design of any development enhances the public realm as required by policy CP8 of the Local Plan as well as the site allocations policy SP11 of the SHP. The design is clearly contemporary and innovative in form and appearance utilising an interesting choice of materials (glass, a variety of brick and mortar colours as well as powder coated metal balconies, windows and external stairs) as well as recessed balconies. A central glazed stair shaft helps to break up and add interest to the front façade. At ground floor level the glazed frontage to the Emmaus premises and the community centre provide an active façade with Barns Road and should generate a positive interaction with the street. The main block will be bookended by enclosed stairwells allowing additional entry/egress of the flats partly to ensure the development complies with fire safety requirements of building regulations. The

amended proposals feature the extension of the lift shaft up to the roof garden to allow disabled access to the roof garden so that the wheelchair accessible flats enjoy the same standard of outdoor amenity space as all of the other flats within the building.

14. The surrounding area features a mix of building forms with the commercial buildings on the opposite side of the road and to the north of the site being predominantly three storey in scale and rather more utilitarian in form and appearance in contrast to the more contemporary approach now proposed. To the south of the site are terraces of residential flats that are four storeys in height with a flat roof. With its contemporary flat roof form which incorporates a garden terrace it will therefore be similar in height to the nearby four storey blocks of flats as well as surrounding three storey buildings that feature more traditional pitched roofs. Whilst the building will be of considerable width as it projects along the road frontage, officers do not consider this to be inappropriate given that the building arcs around the curve of the site and would not be fully appreciated in its full scale from any single viewpoint and therefore. Officers consider the site to provide an excellent opportunity to deliver a high quality development with a visual presence within the street that would visibly enhance the corner and improve upon the more tired and functional buildings of Barns Road in its immediate context. Officers are satisfied that the development proposed achieves this objective by adding interest to a fairly tired streetscene which should enhance the character and quality of its immediate environment in accordance with the relevant decision policies of the development plan.

Standard of Accommodation

15. Policies HP12 and HP13 of the SHP require all new dwellings to be of a reasonable quality both internally and externally. Each flat proposed is greater than the minimum 39 sq m in floor area required by policy HP12 (all flats are greater than 50 sq m in floorspace) with good lighting to each habitable room and a sensible, accessible layout. All flats feature a private outdoor amenity space in the form of a balcony with a number of flats having balconies at both the front and rear which comfortably exceeds the minimum requirements of policy HP13. There is also a roof garden featuring soft landscaping on the top of the building which would be available to all residents of the flats for them to enjoy as an additional outdoor space over and above the use of the balconies. To the rear of the building there is also a soft landscaped area featuring tree planting along the site boundary between the access from Knolles Road and the Emmaus parking area. This amenity area would also be available to all residents and provide a pleasant communal environment for them to enjoy. Cumulatively therefore the quality of accommodation provided by and for the flats proposed is considered to be of a good standard.

16. Policy HP2 of the SHP requires all new dwellings to be constructed to Lifetime Homes standards and for 5% of units to be fully wheelchair accessible. In this case two of the units on the ground floor are suitable for wheelchair users with good level access between the disabled parking spaces outside and the flats. The layout of the flats is also such that it is easy for wheelchair users to navigate around the flats and officers consider them to accord with the Council's technical guidance on wheelchair accessible dwellings. Similarly the remainder of the flats are all considered to comply with the main principles of Lifetime Homes standards due to their size and layout as

well as there being lift access to all flats.

Impact on Neighbouring Properties

17. Policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP state that planning permission will only be granted where proposals adequately safeguard neighbouring residential amenity. It is against this planning policy requirement that the application should be considered in this regard.

18. The site previously featured a part single part two storey community centre which ran along the eastern edge of the site abutting the rear gardens of 8-16 Knolles Road. This building projected above the existing rear boundary walls of these properties that currently separate them from the application site. Whilst this building did not feature any windows that faced out onto the rear gardens of the Knolles Road properties it did have something of a stark rear elevation that reduced the quality and openness of the outlook from the rear gardens of 8-16 Knolles Road. Whilst the community centre has now been demolished it is against the backdrop of this previous building that the current proposals should be assessed as this provided the previous context for neighbouring occupiers' enjoyment of their homes to the west side of Knolles Road and Boswell Road.

19. Following significant consultation with local residents the design of the proposed building has been altered in order to address any harm to the outlook and privacy enjoyed by occupiers of properties to the west side of Knolles Road and the northern end of Boswell Road.

20. The result is that the building has been located as far to the west of the site as possible which would result in the loss of the existing boundary trees (to be discussed later in the report). As a result of this the minimum separation distance between the building and any nearby dwelling is 25m which well exceeds that normally expected by the Council (20m) and set out as a minimum in the supporting text to policy HP14 of the SHP.

21. It was recognised by the applicant and by officers however that the building proposed is taller and of greater mass than that which the Council as planning authority normally applies this policy to. To address the potential impact on neighbouring houses the fourth floor has been stepped back from the main rear wall by just over 4m. This ensures that the building has less immediate visual presence from the rear gardens of Knolles Road/Boswell Road properties and prevents significant levels of casual overlooking resulting from residents walking along the entrance way to the fourth floor flats.

22. Given the separation distances involved and the stepped form of the rear of the building, officers are confident that in comparison with the pre-existing community centre, the proposed new building would not result in significant harm to the outlook enjoyed by occupiers of neighbouring dwellings. In addition, given these separation distances the building proposed would not have a significant impact on the levels of light received into the rear gardens or houses of Knolles Road or Boswell Road when considered against the former community centre which directly abutted these houses. Indeed sunlight analysis has demonstrated that the impact on the majority of nearby dwellings would be less than that which previously occurred until at least the

early evening when, even then, the difference would not be dissimilar. Officers therefore consider the scheme to be acceptable in this regard and in accordance with the requirements of the relevant policies of the development plan.

23. With respect to privacy, officers accept that the proposed building will feature a significant number of rear facing windows and general activity that could potentially result in a significant increase in overlooking of neighbouring rear gardens particularly since the former community centre did not result in any material loss of privacy for adjoining residents.

24. The applicant has gone to significant lengths to try to reduce the levels of both actual and perceived overlooking that may result from the development. At first and second floor levels the rear facing windows have been designed with angled bays with windows facing either north or south to ensure that there is no direct overlooking of the rear gardens of Knolles Road and Boswell Road. Similarly the balconies are proposed to feature 1.5m high balustrades with angled fins that would prevent residents directly looking out to the east over the adjoining rear gardens when seated. Whilst there would be some overlooking potential if occupiers of the flats were to stand up for prolonged periods of time this is unlikely and, in reality, the overlooking would be casual and fleeting. To ensure overlooking from balconies is adequately addressed officers suggest the imposition of a condition that requires further details of the angled fins to ensure that they are appropriately angled and of sufficient height to prevent the potential for harmful overlooking.

25. Turning to the fourth floor, as described previously this would be stepped back several metres and surrounded by a balustrade. Given that the walkway to the fourth floor flats is stepped back from the main rear wall it will prevent direct overlooking down onto the rear gardens of Knolles Road dwellings as the angle created for future residents when walking to their flats would block most casual pedestrian views. More deliberate peering over the edge may allow more significant views though this is considered to be generally unlikely to occur.

26. Finally some concern has been raised by local residents that use of the roof top terrace would result in substantial overlooking of the Knolles Road and Boswell Road dwellings. However officers' note that this garden is set back further again from the fourth floor and will feature a wall and railings that prevents residents from walking to the eastern side of the garden. The distance of the publicly accessible areas of the terrace from the rear wall of the building again interrupts sight lines thus preventing materially significant overlooking of the rear of the Knolles Road/Boswell Road properties.

27. Some concern has also been raised by third parties about the potential for noise and disturbance emanating from the Emmaus facility and its customers to harm the quiet enjoyment of nearby houses and their gardens. Officers have however concluded that the associated vehicle movements will not be so significant as to be materially harmful to the living conditions of nearby residents particularly given that these will predominantly take place during daytime hours and not be so significant in number in the context of the site that this could reasonably be concluded to be detrimental to the living conditions experienced at adjacent dwellings. In addition the workshop element proposed for the ground floor of the building will take place in a

fully sound attenuated room to prevent noise of machinery and tools disrupting neighbouring residents. To ensure the specification of this room is appropriate officers recommendation a condition is attached requiring details of the sound proofing which can be assessed by Environmental Development officers at the Council. Officers also recommend that a condition be imposed requiring that a construction environmental management plan be agreed by the Council prior to commencement of the development. This will ensure that noise from construction traffic, machinery, working hours, emissions etc stemming from the construction phase of the development can be assessed and controlled so that it is appropriate to its setting.

28. Whilst officers consider the operation of the Emmaus charity from the site and building to be appropriate, it is possible that in the future Emmaus could cease operation from the building/site. In these circumstances it would be possible for a different organisation to have unrestricted use of the workshop which could result in significant noise and disturbance for occupiers of the flats above as well as houses in Knolles and Boswell Roads. Officers therefore consider it appropriate and necessary in these exceptional circumstances to recommend the imposition of a personal permission condition restricting the use of the retail and workshop elements to Emmaus only. In the event that Emmaus were to vacate the premises the Council would then have the ability to assess the merits of any new user and give due consideration to the potential harm to highway safety and neighbouring amenity in accordance with development plan policy. Officers consider this to be a prudent approach in the circumstances which would, in addition, help allay local residents' concerns about potential disturbance from the site.

29. For the above reasons officers are satisfied that, subject to the suggested conditions, the proposals will not result in significant harm to established residential amenity and consequently find that the proposals adequately safeguard neighbouring residential amenity in line with the requirements of policies CP1, CP10 and CP21 of the Local Plan and HP14 of the SHP.

Community Facilities

30. Policy CS20 of the Core Strategy states that the Council will seek to protect and enhance existing cultural community facilities and that planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

31. The site previously featured a large community facility that had become tired in appearance and was not suited to modern community needs. In response the former community centre was demolished with the intention of constructing a new more appropriate facility as part of a mixed use development of the site. During this time the needs of the local community have been mostly catered for by using other existing facilities in the area though a Council survey of local residents by the Communities and Neighbourhoods team identified a residual unmet need for some additional community facilities in the immediate area.

32. The aforementioned surveys undertaken by the Council indicated that the former community centre was not being used efficiently given its significant size which was

far in excess of similar community facilities in other areas of Oxford. However the survey did show strong demand within the local community for a more appropriate community facility with rooms suitable for smaller group events but which still had the ability to form one main hall for larger functions. When the Council's City Executive Board (CEB) then issued the site to tender it included a brief to provide a community centre of 215 sq m which was considered to be the size necessary to meet the local community's needs based on the results of the Council's surveys.

33. In response the development proposes a new community centre of 215 sq m that has been designed to meet the Council's tender requirements. Officers are consequently satisfied that adequate provision has been made to cater for the residual needs of the local community sufficiently replacing the former community centre and providing a far more aesthetically pleasing building to the benefit of the streetscene. In this regard officers consider the proposals to accord with the requirements of policy CS20 of the Core Strategy. However, in order to ensure that the layout of the community centre is appropriate to the needs of the community it will serve, officers recommend a condition is imposed requiring final details of its internal layout to be agreed prior to commencement of the development.

Highway Implications/Parking

34. The application site lies within a Transport District Area as defined in the Local Plan which indicates that it is sustainably located within close proximity to everyday amenities as well as being served by good public transport links that make an excellent and realistic alternative to the private car. Policy CP1 of the Local Plan states, inter alia, that permission will only be granted for development which is acceptable in respect of access, parking, highway safety, traffic generation and pedestrian/cycle movements. The proposals should therefore be considered against the requirements of this policy.

35. The flats and the community centre are proposed to be a car-free development. In this respect they are not proposed to be served by any on-site car parking provision other than disabled parking. Policy HP16 and its supporting text in the SHP make it clear that the Council supports car-free development where the following criteria are met:

- The new dwellings would have excellent access to public transport links;
- The site is covered by a controlled parking zone (CPZ); and
- The dwellings would be within 800m of a local supermarket or equivalent facility.

36. Policy HP16 was adopted as part of the SHP in February 2013 and differs slightly from the Council's previous car parking policy in the Local Plan which it superseded. This policy (TR3) and its supporting Parking Standards, Transport Assessments and Travel Plans SPD made it clear that car-free residential development could be acceptable even outside CPZs where the location of the development was such that car ownership would be unlikely and/or that on-street car parking could be controlled. It was on the basis of the Council's recently superseded policy that the scheme has been developed with officer input at pre-application stage.

37. Officers consider the site to be sustainably located close to local shops and a supermarket as well as being directly adjacent to a main bus route with links to the

city centre and railway station. Consequently officers take the view that, even though the site is outside a CPZ, the scheme could be acceptable in highway terms if the applicant were to make a strong case setting out how car ownership would be discouraged and alternatives promoted. This view was supported by the Highway Authority at pre-application stage and continues to be their position.

38. The flats and community facility proposed would have a vehicular access from Knolles Road, a residential street behind (east of) the application site. Knolles Road leads off Boswell and Bailey Roads (also residential in nature) as they converge to the rear of the site. Many of these houses enjoy off-street parking for one or two cars though there is some overspill parking on to the highway. Such on-street parking is generally not severe though the roads can at times feature relatively significant numbers of casually parked vehicles. The roads are covered by on-street controls and feature single yellow lines to either side which restrict parking between 1-2pm and 3-4pm. At present the County Council is not actively enforcing these parking controls though they retain the ability to do so if considered necessary in the future.

39. To the front of the site (along Barns Road) the road is covered by on-street controls including double yellow lines and car parking would not be able to occur within the immediate vicinity of the site. Some residents' car parking does occur further to the south on Barns Road in parking bays though this is some distance from the site and is unlikely to be used significantly by future residents of the development or their visitors. In order to prevent visitor or resident parking in these bays stemming from the development proposed the Highway Authority recommend introducing an interim change to the Traffic Regulations Order governing Barns Road to strengthen these parking controls.

40. The flats proposed are small in size being one and two bedroom units and so might typically be expected to generate approximately one car per dwelling on average in out of city centre locations. However, the site is in the centre of a Transport District Area that allows easy pedestrian access to local shops, a supermarket and frequent bus routes into the city centre as well as being within cycling distance of the city centre. Officers would therefore expect that for these flats the level of motor vehicle ownership would be significantly lower. However it would be inevitable that some resident and visitor car parking would take place with the likelihood, for the above reasons, that this would take place on the residential roads to the rear. In order to reduce the prospect of this scenario occurring, the applicants propose a multi-faceted approach to attempting to significantly reduce car ownership amongst future residents of the proposed flats which can be summarised as follows:

- All flats would be marketed as car-free so that it is clear to potential purchasers from the outset that no on-site parking will be provided and that they will be expected not to own a motor vehicle – this would be reinforced through documentation distributed to new occupiers of the flats and which could be required by a clause in the legal agreement;
- Signage would be erected on Knolles Road and on the entrance to the site stating that it is a residential parking area and that visitors should use the nearby Templars Square parking facilities (this is proposed to be secured by condition prior to occupation of the flats);
- Real time passenger information displays for all bus routes that stop at the adjacent Barns Road bus stop would be available in all flats (also proposed to

- be secured by condition prior to occupation);
- An agreement to provide a new freestanding bus shelter to the County Council's standards and specifications prior to the occupation of the flats proposed;
- Each new resident to be provided with a free bus pass covering Oxford city routes for a period of six months (to be detailed further in a Travel Plan which would be required to be agreed prior to occupation by planning condition);
- Two car club spaces to be provided just off Barns Road adjacent to Wolseley House Garages. All residents would receive a free subscription for at least a year to encourage its use (secured by a legal agreement);
- Space for 100 cycles in a secure and covered facility would be provided to encourage this more sustainable alternative transport mode (secured by condition);
- A written in-principle agreement with the operators of the Templars Square Car Park that, if required, future occupiers of the flats can purchase parking permits to allow residents and their visitors to park in the car park on the opposite side of Barns Road.

41. Officers consider it likely that cumulatively the above measures proposed by the applicant would result in a significant reduction in the number of new residents and their visitors parking in adjoining streets. However, in the event that the development does give rise to an appreciable increase in on-street parking the following measures have been agreed:

- That the applicants will provide £37,500 to the Highway Authority prior to commencement of the development which would be safeguarded so that it can be used to fund the introduction of a CPZ or other parking enforcement measures if supported by the local community following public consultation (such funding would be secured as part of a legal agreement with the County Council);
- Interim parking restrictions to be introduced covering Barns Road in the area surrounding the site which would have to be operational prior to the occupation of the development. The cost of introducing these measures (£3000) would be funded by the developer prior to commencement of the development;
- The Highway Authority will undertake a number of independent surveys at various times of the day at set milestones (including prior to occupation of the flats as well as in the months afterwards) so that the impact of the development on local roads can be assessed. If the results of the surveys demonstrate a material increase in on-street parking and congestion then the funding towards parking enforcement measures (the £37,500 set out earlier in the report) can be used to consult existing local residents to understand the local community's preferred approach to alleviating the problem and introduce traffic control measures. A legal agreement would specifically exclude occupiers of the proposed new flats from being eligible for any new parking permits if a CPZ is introduced following consultation).

42. In addition to the above, Highway Officers at the County Council have also confirmed that the current approach to enforcement of current parking restrictions in Knolles, Boswell and Bailey Roads is potentially open to review in the future were there to be a strong demand expressed for it from local residents. Similarly, Highway

Officers have stated that a CPZ would only be considered in the event that there is strong local demand and not without full consultation with the local community beforehand.

43. The proposal includes three wheelchair accessible car parking spaces; two allocated specifically to serve the two wheelchair accessible flats on the ground floor of the building and the third to allow disabled access to the proposed community centre. The spaces are proposed to meet the County Council's size standards for wheelchair spaces and have convenient level access to the building. Such provision of disabled parking accords with the requirements of policies HP16 of the SHP and TR3 of the Local Plan.

44. With respect to the Emmaus workshop/retail element, this is accessed from Barns Road and is separated at ground floor level from the flats/community centre. Three customer car parking spaces are proposed which allow customer pick up and drop off of furniture items. Highway Officers consider this to be reasonable and realistic given the existing number of customer movements to their site at Northway. Three spaces are also proposed for delivery vans to allow collection and delivery of furniture. Such spaces are considered to be sufficient in number and adequately accessible so that the movement of vans does not conflict with customer parking arrangements. No concern is therefore raised by the Highway Authority about the impact of the Emmaus facility on the functioning of Barns Road and its access through Wolseley House Garages.

45. No staff car parking spaces are proposed for the Emmaus facility as the employees will live locally and, given their nature, are very unlikely to own or use a car. Officers therefore consider this approach reasonable. In accordance with the Highway Authority's recommendation officers recommend a condition be imposed requiring the reinstatement of the current Barns Road dropped kerb to the County Council's standards and specifications to ensure the footways are returned to a more pedestrian friendly form.

Trees/Landscaping

46. As a result of public consultation (where concern was raised about the overbearing impact of the development on houses in Knolles Road), the proposed building was relocated to the far west of the site so that it directly abuts Barns Road. As a result the existing six trees along the western boundary (Norway Maple and Lime) would need to be removed which is regrettable as they are prominent in public views. In addition, as a result of the building effectively extending across the entire width of the site the proposals do not allow for any replacement tree planting on the site that would have similar public amenity benefits.

47. In such circumstances policy NE15 of the Local Plan indicates that planning permission would not normally be granted though in this case it is possible to plant trees in raised planters within the pavement adjacent to the site to help mitigate the visual effect of tree losses on Barns Road. It is also proposed for similar planting to be inserted within the pavement on the opposite side of the road which would help to create something of boulevard feel to this section of the street. Whilst such trees would not have the same visual presence of the existing trees as their size would be constrained by their location and planting within a raised box, officers consider this

approach to be acceptable particularly in light of the overwhelming benefits of the scheme which improves the appearance of the site as a whole and provides important affordable housing for the City's residents. The Highway Authority has confirmed that they have no objection to tree planting along the pavements as the walkways are considered to be of sufficient width to prevent any impediment to pedestrians and would not reduce visibility for drivers so that there is no risk to highway safety. Officers have recommended a condition that development should not commence until a detailed landscaping plan has been agreed which may involve financial contributions being paid to the County Council to cover the costs of carrying out works to the highway to facilitate the landscaping.

Energy Efficiency/Sustainability

48. Policy CS9 of the Core Strategy requires all developments to seek to minimise their carbon emissions and that proposals should demonstrate how sustainable design and construction methods will be incorporated into the scheme. It also states that planning permission will only be granted where a Natural Resource Impact Analysis checklist has been submitted demonstrating how a range of sustainability approaches have been taken. Policy HP11 of the SHP further states that for schemes of 10 or more dwellings at least 20% of their energy needs must come from on-site renewable or low carbon technologies unless shown to be unviable.

49. The development incorporates the following sustainability measures to ensure that the flats achieve a Code for Sustainable Homes level 4 rating:

- Photovoltaic solar panels will be located on the roof of the building;
- High levels of insulation;
- Maximisation of daylight and sunlight;
- An air tightness of 3m³/m²/hr is targeted to prevent heat loss from the building;
- Daylight dimming lighting in all main rooms;
- Automatic presence detecting lighting in communal areas;
- High efficiency gas boilers;
- Use of 60% recycled aggregate for construction materials which would be locally sourced;
- Use of water meters, low flush WCs, low flow taps and rainwater harvesting via water butts;
- Incorporation of a green roof to contribute towards carbon reduction.

50. In addition to the flats the community centre and Emmaus workshop facility would be served by an air source heat pump ensuring at least 20% of their energy needs are met on site.

51. The use of solar panels on the roof of the building will not, by itself, result in the flats generating 20% of their energy use on site as required by policy HP11 of the SHP. Other methods of on-site energy generation have been assessed and found to be inappropriate due to the space available, the proximity of surrounding residential properties and the potential to cause noise nuisance to them as well as the financial costs associated with them. Therefore whilst the Council's policy requirement is not quite met with respect to the residential element of the scheme, this is partially offset by the community centre and Emmaus workshop elements which exceed the planning policy criteria and, additionally, it should be recognised that the

predominantly affordable housing make-up of the scheme means that significant financial returns will not be generated thus making more expensive solutions unviable. Of course the development is also essentially car-free and in a sustainable location further improving the environmental credentials of the scheme. Officers therefore find the proposals acceptable in this regard and are recommending a condition to ensure that the proposals incorporate all of the energy efficiency measures set out in the energy statement submitted as part of the application.

Land Contamination

52. The history of the site suggests that from approximately 1900 the site has featured a variety of commercial uses including a box factory, steam plough works and warehouse though these were all replaced by the community centre during the 1960s. There is the possibility of some limited contamination of the soil in the site as a result of these uses and the applicant is in the process of undertaking on-site investigation works to establish the extent of contamination and the remediation measures necessary. To ensure that the findings of the contamination assessments can be reviewed and the remediation methods approved officers recommended the imposition of a condition requiring a phased contamination risk assessment to be carried out prior to commencement of development on the site. The Council's Environmental Development officers are satisfied with this approach.

Archaeology

53. The application site lies to the west of an important former Roman pottery production site at St Lukes Road. In order to assess whether there are deposits of archaeological significance on the site in accordance with policy HE2 of the Local Plan an archaeological evaluation has been undertaken at the site by Avon Archaeology and an interim report submitted. The evaluation identified a series of features across the footprint of likely Roman, medieval and post-medieval date including pottery, wall foundations and intercut pits. Given the deposits a condition is recommended as suggested by the City Council's Archaeologist that prior to commencement of any works a scheme of archaeological mitigation of the full engineering impact of the development is approved by the Council in order to preserve the deposits in-situ.

Flood Risk

54. The application site is not located with an area identified by the Environment Agency as being susceptible to flooding. Nevertheless as a result of the size of the site a flood risk assessment has been submitted though this concludes that the development will not increase the risk of flooding either at the site or elsewhere. The Environment Agency concurs with these findings. Sustainable drainage systems are however to be included as part of the development and officers recommend a condition requiring approval of drainage details prior to the commencement of the development.

Other Matters

55. Policy CP14 of the Local Plan requires developments of greater than 20 dwellings to make provision for public artwork. The applicant intends to construct this artwork on the application site rather than make a financial contribution to the City Council to commission the work for siting elsewhere. Officers therefore recommend a condition be attached to any planning permission that ensures details of the public

artwork and a scheme for its implementation are agreed by the Council prior to occupation of the development.

Conclusion:

56. The proposals provide good quality housing for Oxford that makes a significant contribution towards meeting the City's affordable housing need whilst providing a development that will improve the appearance of a redundant site, provide improved community facilities and provide a more appropriate base for an important local charity and social enterprise, Emmaus. The proposals are not considered to result in significant harm to established residential amenity or be likely to have a materially adverse impact on the functioning and safety of surrounding roads. Consequently Committee is, on balance, recommended to resolve to grant planning permission subject to the conditions set out at the beginning of the report though delegate to officers the issuing of the decision notice once the necessary legal agreements are completed.

Human Rights Act 1998

57. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

58. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

59. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

59/07771/A_H
60/08871/A_H
66/17367/A_H
72/26399/A_H
74/01056/A_H
91/01185/NF

11/01298/ADV
12/03278/FUL

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PLANNING REVIEW COMMITTEE

Friday 28 September 2012

COUNCILLORS PRESENT: Councillors Bance (Chair), Fooks (Vice-Chair), Armitage, Rowley, Turner, Wolff, Cook, Coulter and Tanner.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Michael Crofton-Briggs (Head of City Development), Murray Hancock (City Development), Michael Morgan (Law and Governance) and Nick Worlledge (City Development)

13. APOLOGIES FOR ABSENCE

The following apologies were given:-

Councillor Baxter – Councillor Tanner substituted;
Councillor Lygo – Councillor Cook substituted;
Councillor McManners – Councillor Coulter substituted.

14. DECLARATIONS OF INTEREST

Councillor Cook declared that that he was a former member of Queen's College who were objecting to the scheme for St Clement's Car Park (minute 15 refers); and also that he is a member of Oxford University.

15. PLANNING APPLICATION - ST CLEMENT'S CAR PARK, 12/01369/FUL AND 12/01370/CAC

The Head of City Development submitted a report (previously circulated, now appended) detailing the following planning application at St Clement's Car Park:-

- (1) 12/01370/CAC – Demolition of public toilets;
- (2) 12/01369/FUL – Redevelopment of St. Clement's car park to provide 140 student study rooms and ancillary accommodation in two blocks on 3, 4 and 5 floors. Replacement car park with 80 spaces, public toilets, landscaping and ancillary works.

The Chair, Councillor Bance, indicated that she was extending the time available for public speaking on this application from 5 minutes to 10 minutes per "side" (those speaking for the application and those speaking against).

Murray Hancock presented the report to the Committee and pointed out that two new points had arisen:-

- (1) The Council's Sites and Housing Plan was currently being examined by a Planning Inspector – Michael Crofton Briggs (Head of City Development) would briefly update the Committee;
- (2) A letter had been received from Public Law Solicitors acting on behalf of residents of Anchor Court – Michael Morgan (Legal Advisor) would briefly update the Committee on this.

Michael Crofton Briggs explained that the Inspector had looked at the Council's draft policy on St Clement's car park and had asked if the Council was willing to amend the policy slightly. As a result some slight amendments had been made to include the words "safeguard the vitality of" and "not be significantly reduced but be retained". The Committee might find it helpful to assess the current application in the light of these amendments. It should be noted that this is a draft policy, which the Council, as a body, has not yet considered. The policy that went before Council in December 2011 was the un-amended one.

Michael Morgan then gave legal advice on the letter received from Public Law Solicitors. He advised that the claims made in the letter could be dismissed and that there was nothing within the letter that should alter the way in which the Committee should proceed.

Objectors to the Application

The following people then spoke against the application:-

Bev Clack
Craig Simmons
Clinton Pugh
Leatrice Beeson
Tony Joyce

The objectors collectively made the following points:-

- Current proposal does not make any significant improvement in car parking provision;
- Potential harm to local businesses outweighs any benefits;
- The original decision by West Area Planning Committee should be respected – the issues were examined thoroughly there;
- Design too large and overlooks neighbours;
- Unsure which students will occupy these premises (from Oxford University, Oxford Brookes, or elsewhere?);
- Development is unwelcome to residents, risks overdevelopment of the site and will affect businesses;
- This development is not wanted;
- Car parking was the reason for refusal before and nothing has changed since;
- Protection of the vitality of the local area is important;
- The suggestion for temporary car parking is ridiculous,
- Business will suffer and cannot bear the loss – if this continues, many will "go bust";
- The proposed temporary car park is too far away, and the parking on site now proposed is too little;

- A lot of hard work has gone into building up this part of town, but this proposal won't help businesses;
- Anchor Court residents will suffer immense disruption to their lives, they will also lose light to their flats;
- There will be a loss of trees and meadow areas, and a loss of views of both for Anchor Court residents;
- Residents fear that petty criminals will hide under the proposed buildings;
- The suggested number of parking places is too few for local businesses and visitors to Anchor Court;
- Work on the site won't enhance the vitality of the area;
- Will make life difficult for the people who live and work here;

In favour of the Application:

The following people spoke in favour of the application:-

Paul Gillespie – on behalf of the Applicant

Steven Hodder – architect on behalf of the Applicant.

The supporters collectively made the following points:-

- Temporary car parking will be provided on site during the construction period with a minimum of 25 spaces guaranteed for the first and third phases - this number will vary as the scheme progresses and will increase to 40 for the second and last stages;
- There will be 76 spaces in Marston Road with a free bus service on scheduled services. There will be 1 hour's free parking (plus an extra 30 minutes to cover bus travel) for those wishing to make a short journey; otherwise charges will be the same as at the St Clement's Car Park;
- Students will be full time students studying at one of the two universities or other institutions in the City;
- It is felt unlikely that students living in the accommodation will use the car parking on site as it will cost £17.50 per day;
- The development has been designed to be close to facilities and major public transport links. A travel plan will be submitted;
- The height, scale and massing have all been reduced from the previous scheme;
- There is no impact on the designated view codes;
- The building is subservient to the Florey Building in terms of height;
- There will be sensitive landscaping and the site is intended to make a positive contribution to the conservation area;
- Buildings are now sited further away from the backs of buildings on St Clements;
- There is no overlooking from the scheme and no reduction in light to Anchor Court.

Questions

The following information was then provided by the planning officers and applicants in response to questions from Councillors:-

- It is usual to impose a condition requiring a plan to be submitted from the applicant detailing how students will be managed. The application must

comply with the policy of the Council regarding the students who will occupy these sorts of buildings;

- To restrict students occupying the accommodation to the two universities only would need a valid reason to depart from the Council's policy – there is no reason here for a more restrictive condition;
- There is some flexibility around the free one hour period of parking at the temporary car park to help with short visits to the area;
- The development is 30-40 metres away from Anchor Court so it is not thought there will be a problem with loss of light;
- There will be CCTV on the site and lighting beneath the buildings, but the Applicant had not yet formally responded to other suggested crime prevention measures suggested by Thames Valley Police;
- There was a transport assessment plan submitted with the application – it seems that the car park is busiest on Friday and Saturday but not at capacity at other times;
- There will be a condition covering the issue of a biodiversity action plan;
- West Area Planning Committee did not comment on the suggested crime prevention measures;
- When the accommodation is empty out of term time, it could be used by summer schools or conferences (as is normal practice with student accommodation);
- The transport assessment was carried out recently for this application.

Following discussion by the Committee and taking into consideration all submissions made, both written and oral, the Committee resolved:-

- (1) To SUPPORT the applications in principle, but to defer them in order to secure an accompanying legal agreement as itemised in the officer's report; plus a contribution of £3,000 to the Highways Authority for amendments to Traffic Regulation Orders, and to delegate to officers the issuing of notices of conservation area consent and planning permission (subject to conditions) on its completion;
- (2) To draw attention to the following conditions which it wished to see added:-
 - Provision of as much cycle parking space as possible;
 - Maintenance of a minimum number of parking spaces at every stage of development - 25 for stage 1, 40 (preferably 50) at stage 2 and 25 (preferably more) at stage 3;
 - Submission of a student management plan for the facility, including use of the roof terrace;
 - Police advice to be sought on seating appropriate for the site;
 - Inclusion of CCTV.

16. PLANNING APPLICATION - 26 - 28 QUARRY HIGH STREET, 12/01340/FUL & 12/01341/CAC

The Head of City Development submitted a report (previously circulated, now appended) concerning the following application:-

- (1) 12/01340/FUL – Erection of reconstructed stone wall to create new access and construction of 2 detached houses (2x3 beds). Erection of

garage for 32 Quarry High Street. Erection of 2 storey rear extension for 28 Quarry High Street.

(2) 12/01341/CAC – Demolition of outbuildings and part stone wall.

Nick Worlledge presented the report to the Committee.

Objectors

Laurence Kelly (on behalf of Friends of Quarry and local residents) spoke against the application and made the following points:-

- The houses are the last remaining pair of Victorian cottages in Quarry;
- The last application was rejected at appeal for reason of large scale loss of garden land – and this still applied here;
- Over 32m of stone wall will have to be demolished and rebuilt, but the exact position is unclear;
- The proposed houses are close to neighbourhood boundaries;
- There is local pressure on parking, access and highway safety;
- Would prefer to see these properties repaired, with thriving gardens.

In favour

Malcolm Griffiths (Applicant) spoke in favour of the application and made the following points:-

- This is brown field, previously developed land;
- There has been consultation with the planners and conservation officer;
- The old wall will be retained and form part of the garage wall;
- The site will be landscaped, with existing trees kept and more planted;
- The parking area has been moved and will be behind the garage;
- Each house will have its own bin store;
- County highways have approved the access;
- The design is for high quality sustainable family homes;
- It complies with the new National Planning Policy Framework (NPPF)

Questions

The following information was provided by planning officers and the applicant in answer to questions from Councillors:-

- There will be a visibility splay at the entrance to the site, but it won't be a bell-shaped junction;
- The old existing concrete garage will be demolished;
- The bin store will be behind the garage or on the individual sites – the bins will be the responsibility of the home owners;
- The property at number 34 is on higher land, so that although the boundary wall is 2.2m tall on the site, it is not as tall for the neighbour;

Following discussion by the Committee and taking into consideration all submissions made, both written and oral, the Committee resolved to APPROVE the application, subject to conditions laid out in the planning officers report, and

that the Head of City Dvelopment be authorised to issue the notice of permission.

17. MINUTES

Resolved to approve as a correct record the minutes of the meeting held on 25th July 2012.

18. DATE OF NEXT MEETING

Resolved to note the following dates:-

Wednesday 31st October
Wednesday 28th November
Wednesday 19th December
Wednesday 30th January 2013
Wednesday 27th February
Wednesday 27th March
Wednesday 24th April
Wednesday 29th May

The meeting started at 6.00 pm and ended at 8.00 pm